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A PEACEFUL REVOLUTION IN PENOLOGY

BY ORLANDO F. LEWIS

MEN's thoughts in general are not focussed in these days upon prison reform. Yet precisely in these years of the Great War there is occurring in the penological principles and methods of American prisons a fairly speedy and basic revolution. I do not refer to the honor system and to the daring experiments in self-government undertaken in Auburn and Sing Sing prisons since 1913. Those striking movements are already, not ancient history, but nevertheless aligned somewhat in their proper perspective in the historical sequence of reformatory steps in American prison administration. What I refer to is a still newer movement, revolutionary in its character, which has as its basis the utilization of scientific exploration of the make-up of the individual delinquent.

It is now well known that it is the purpose of the Government to conduct at each cantonment thoroughgoing psychological and psychiatric tests of the mentality of each of our soldiers. Already it is estimated, from tests now available for study, that some two per cent. of the military forces of the country are so mentally backward as to be of little or no available use in the defense of the nation. Never before has such an attempt been made to determine ability for war in terms of psychology and psychiatry. And, upon the results obtained from sporadic tests in several cantonments, the Government now purposes to apply the scrutiny of mental specialists to all of "our boys in khaki". The incompetents must be weeded out, that in the time of vital stress the military organization may not fall down in spots where the enemy might break through. And, furthermore, the incompetents must be weeded out at the beginning of the intensive training of the cantonments, in order that they may not clog up the machinery of military education, and that the Government may not be put to the useless expense of trying to edu-

cate for war those whose mental capacity precludes the adequate assimilation of such training.

The scientific study of mental deviations is no new thing. The insane have been housed in asylums for generations. We are familiar with the principles of the unchained, kindly treatment of the insane as sick persons, and not as those possessed of demons or of criminal natures.

But the Government is going much further than that. It is now saying that it can utilize a group of psychiatrists, to determine mental deviates who are far from being as conspicuously mentally defective as the insane, but who are nevertheless in many stages of mental incompetency.

From the comprehensive analyses of the psychiatrists and the psychologists there will be discovered not only mental deficiencies but mental abilities. It is anticipated that in many instances the special man for the special job can thus be quickly picked, and fitted into his proper niche in the great war machine. The cantonment is, until the sifting process takes place, a great melting-pot, a great multitude of still undiscovered potentialities. The slow process of military training is in itself a sorting process, but only as a by-product. What the Government hopes to do, through calling in the mental specialists, is to set up the sorting and classifying processes at the beginning, instead of relying solely upon the school of military training.

I have cited these remarkably progressive steps which the Government has taken, not only because they are little short of revolutionary, but because they are in the main but a highly-magnified parallel of the "new movement" in prison reform referred to at the beginning of this article. It is of no importance now to trace a possible connection between the psychiatric research undertaken in Sing Sing prison, or in the Government Hospital for the Insane at Washington, and the introduction of psychiatric methods in the cantonments. It is important to see that what is now officially undertaken by the Government in the cantonments is recognized in an increasingly large number of correctional institutions as fundamental to an adequate effort to reform its inmates. The "new penology" of 1918 demands, in short, the absolutely necessary presence of the psychiatrist and his sorting system within prison walls. And to an extent not dreamed of (save perhaps by some psychiatrists) a few years ago, the *reform* of the individual prisoner is now seen to be, not merely

a matter of change of heart, or of industrial training for life, or of determination to succeed, but of comprehensive individual *readjustment* of the individual's abilities and disabilities to the demands of the competitive life that he will enter at the close of his prison sentence.

Let me make this clear by tracing very briefly four outstanding historical stages in the conception of "reformation", as applying to the prisoner. The idea that prisoners should be reformed is over a century old.

As relating to adult offenders, and particularly to convicts, reformation connoted at first in the main a *religious, spiritual conversion*. It was not the job of the prison but of the chaplain or the occasional prison missionary to effect the reformation of the inmates. Prisons were conceived of as massive, towering, gloomy and even cruel deterrents of crime. Hence the inhumanity of the construction of Sing Sing between 1825 and 1830, with its catacomb-like cells, void of light and ventilation, sweating dampness and chill. Hence, also, the vicious rule of mass-movements and of perpetual silence; of ready floggings and of callous oblivion. The prison, and its administration, aimed to make the commission of crime a horrible danger through the terrific penalties. Into these Bastilles the chaplain might come, and save, here and there, a soul if he could.

Slowly our prisons came to their second stage in the conception of the meaning of "reformation". The opening of Elmira Reformatory in 1876 was both a proclamation and a confession. A proclamation that the duty of the State was to educate prisoners for subsequent self-support in the life after prison, and not simply to punish for the crimes of the life before prison. A confession, that terroristic methods in prison were a failure, if the sole method of administration. The second stage in American "reformation" was, therefore, a remarkably well worked out system of industrial, physical and school training; so surprisingly insurgent and modern, for the time, that it marked the beginning of the era of State reformatories of adults throughout the country. Only the convicts between the ages of 16 and 30 were thus favored in New York, but in other States fewer restrictions as to age or the seriousness of crimes were made.

With the establishment of Elmira Reformatory there was also introduced into the United States the indeterminate sentence, and its necessary complement, parole. The indeter-

minate sentence abolished the fixed sentence, and set a maximum limit to the time of stay of the prisoner, at some time within which he might, if his industry and his conduct warranted it, be released to "try out his wings" on parole; under official supervision. In short, the advent of the reformatory system, with its grades within the institution, its varied branches of training, its indeterminate nature, and its subsequent modified liberty for the inmate outside the walls, placed the burden of reformation mainly upon the individual inmate. It was a system requiring intelligent understanding by the inmate, and responsibility for his conduct and activities.

A third stage in the development of the concept of reformation began to develop with the advent of the twentieth century, namely, the "honor system", and still later, as applied to adult prisoners, the so-called "self-government" system. The last decade and a half have prominently emphasized *character-building* as a reformatory method. Trust the prisoner. Develop his sense of loyalty and responsibility. Put him into positions of temptation, that he may learn to withstand temptation. Bring out the good that is in him. Treat him as a human being. See his essential likeness to other men, not his unlikeness.

It appeared ultimately that there was no one "honor system". Indeed, there was generally no definite system, but just a development of the elements of risk in prison administration through the granting of privileges to the chosen inmates. The honor system came into being when the possibilities of escape or of trouble-making by inmates became greater than the provision made by the prison for guarding against such possibilities. The honor system meant taking a chance—often a very long chance. Judge Lindsay sent boys and adults with their own commitment papers to institutions, unaccompanied by an officer. Warden Tynan, also of Colorado, worked gangs of prisoners on roads even more than a hundred miles from the prison, without the deterrent rifle or shotgun. Warden Homer, of Great Meadow Prison, New York, sent out farm gangs under similar conditions. And all over the country, between 1910 and the present date, wardens and superintendents have with increasing frequency tested successfully the feasibility of such acts, which often passed over into actual "stunts" in the public mind.

Now, the honor system assumed the normality of the prisoner's mind. It connoted an appreciation of responsibility. If a prisoner ran away, it was frequently explained that a poor choice of prisoner had been made by the warden, because the prisoner turned out to be feeble-minded. The honor system was, by and large, a quid-pro-quo arrangement. The warden gave increased privileges, in return for a definite or tacit agreement by the prisoner not to escape or to start trouble. The honor system therefore demanded of the prisoner intelligence to understand his ethical obligations, and of the warden it demanded personality and efficiency. Personality, because adherence to the obligations of the honor system focussed generally in loyalty to the warden, who must be thought of as square and as a "white man". Efficiency, because a flabby, amiable, white man could not retain the respect of the inmates. The honor system was characterized by Mr. Thomas Mott Osborne as an integral part of a benevolent despotism. The relationship of the inmate to the warden was the basic factor in the success of the system.

As an insurgent departure from the honor system arose the self-government system, which is not yet beyond experimental stage in methods, although the principle underlying the methods is accepted fairly generally by at least the theoretical penologists of our country. The fundamental thesis of the self-government system is that all the results achieved by the honor system can be better achieved, and are of far greater social value, if they do not arise as a bargain between warden and prisoner, but as by-products of a mutual relationship between prisoner and prisoner. Freedom of mind and movement within the prison is necessary in order to train prisoners for the greater freedom after the prison life. But that freedom should be used to help the prisoner to understand his social and civic relations to his fellows. Hence the mutual features at Auburn and Sing Sing, the elections of officers and delegates by the inmates, the inmates' court, the entertainments and classes managed by the inmates. Theoretically, also, the warden should subordinate himself, and exercise little direct influence upon the prisoners' activities, having once defined the limits of the freedom of the prisoners. It amounted to an effort to create within the prison walls an approach to the complicated problems of democracy outside the walls. If politics raged outside, they were legitimate inside. By suffering injustice and even graft

at the hands of fellow-inmates, the prisoners would acquire the sense of justice and of discipline, and would have a clearer conception of their own anti-social past in society outside.

The thesis was fascinating, and sufficiently correct to excite huge interest throughout the nation. Mr. Osborne's personality and insurgency added to the spectacular features of the Sing Sing administration between 1914 and 1916. But, for a number of reasons, this huge, unprecedented, tumultuous, popular undertaking carried with it enough of hemming and complicated factors to make it unclear, within the limited time of the experiment. Had Russia undergone revolution in 1914 or 1915, the apparently inevitable consequent political upheavals and social bewilderment might have had lessons for the self-government experiment at Sing Sing.

Let it not be thought that the undertaking in Sing Sing resulted in failure. Far from it. We are still too near it to be able to survey it comprehensively and in the light of ultimate results. But self-government, more restricted by considerable than in 1915, exists in Sing Sing today, with two quite contrasting opinions as to its efficiency and its scope.

We are now entering upon a period in prison administration in which the psychologist and the psychiatrist will have broad scope. Their fundamental thesis is that all reformatory methods are liable to failure—and have largely failed in the past—for the simple reason that the individual delinquent has not been thoroughly known. Therefore he could not be thoroughly treated. Each single prisoner is a separate, and often highly complicated, problem. How expect that even a group - treatment, let alone a mass - treatment, could be effective? Indeed, it is not primarily a question of *reformation*, but of individual *readjustment*. Of what avail, in the securing of high percentages of "reformatations", are shops and honor systems and efforts at self-government, if a considerable proportion of the inmates of prison are mentally so deficient or erratic as to make it impossible or improbable that they can be regarded as responsible, or that they can go out into the world and earn their own living in the hard manual or physical way in which the bulk of prisoners have to work, if they are to keep out of prison again?

For nearly a decade, increasing doubt has been expressed as to the mental normality of the prison population in general. We have been passing through an era of psychological

"tests", applied to the inmates of correctional institutions by persons varying widely in training. Strikingly extreme percentages have been announced. For a time it was claimed that the Binet-Simon tests, and their developments, in this country could with considerable accuracy determine the mental age, and consequently the feeble-mindedness, of prisoners. Several years ago the following list of findings in different institutions was announced:

	Feeble-minded
Massachusetts State Industrial School for Girls.....	28%
New York State Reformatory, Elmira (male).....	37%
New Jersey State Reformatory, Rahway (male).....	33%
New York State Reformatory, Bedford (female).....	37%
Massachusetts Industrial School for Girls.....	50%
Maryland Industrial School for Girls.....	60%
New Jersey State Home for Girls.....	33%
Illinois State School for Boys.....	20%

Although estimated percentages varied widely, certain facts struck all observers. Custodial treatment for the most seriously feeble-minded was imperative. Feeble-minded women of child-bearing age were social menaces. Prostitution was recruited to an undetermined extent from the ranks of the feeble-minded. Feeble-minded families propagated their kind. The strain cropped out even where normal persons intermarried with feeble-minded. All over the country the prison and reformatory wardens, superintendents and officers called for special institutions for the care of this group. Feeble-minded inmates clogged the machinery, industrial and reformatory, of the correctional institutions.

Moreover, the population of the prisons and reformatories was changing in nature. Probation was, to use the graphic words of one prison administrator, "skimming the cream off of the prison population". The Court deferred the period of imprisonment during good behavior. Thousands of men and women were spared the stigma of a prison career. But the residue—those who went to prison—were found to be less normal, on the whole less efficient, less intelligent than were the prison populations of the past. The prison problem was approaching more the nature of a custodial problem.

Then the psychiatrists began to appear, with their vigorous pronouncements. They were alienists, a group differing from the psychologists, whose training had been with the

"normals" rather than with the "abnormals". From the Government Hospital for the Insane at Washington came to Sing Sing, upon an appropriation supplied by the National Committee on Mental Hygiene, maintained by the Rockefeller Foundation, Dr. Bernard Glueck, to be the director of the psychiatric clinic at that ninety-year-old institution. The State of New York had voted, through its legislature in 1916, to make the most radical departure yet announced in any American State. A receiving prison and clearing house were to be established at Sing Sing prison. Every prisoner committed to a State prison in New York—there are four of them—must first pass through this center of comprehensive mental, physical and industrial examination at Sing Sing. All the features of the new Sing Sing should converge upon the adequate analysis of the individual delinquent. Pending the erection of this great reception prison, which will provide for 1,000 inmates, the physically little, but socially highly important, psychiatric clinic at Sing Sing has been operating for a year.

I quote Dr. Glueck as to the field of the psychiatrist in prison, and as to the clearing house:

It is not because the psychiatrist promises to solve the problem by some magic procedure, but because it is in the nature of these disciplines (psychology and psychiatry) to devote themselves to the understanding of human behavior, whether such behavior be normal or abnormal. The psychiatrist in his daily experience utilizes methods of procedure which are intended to bring about better adjustment in maladjusted individuals, and it is hoped that because of this experience he may be of assistance both as a diagnostician and as a therapist in the field of criminology.

In the matter of the place of the clearing house in prison administration, Dr. Glueck says:

The clearing house is an accepted institution in the modern industrial world. It is an institution which makes possible a clear delineation and characterization of the individual members of large groups, for the purpose of bringing about a better classification and better adaptation.

In connection with the problem of crime, a clearing house is to serve as an auxiliary institution for the administration of the law, whose object it would be to make such an observation of the individual offender as will enable it to furnish dependable recommendations:

First, to the Court in cases of demonstrable, diminished or absent responsibility;

Second, to the administrators of penal and reformatory institutions in all cases, with the object of bringing about such a relationship

between the prisoner and the institution as will tend to produce the maximum degree of adjustment between him and society upon his release from the institution.

Let me point out that Dr. Glueck here indicates two functions of a clearing house. First, to help the Court in its decision as to the proper institutional or extra-institutional disposition of the case at the bar. Secondly, to help the institution itself to employ reasonable and adequate methods for the readjustment of the inmate.

A year's intensive examination of hundreds of cases at Sing Sing has led Dr. Glueck to the following analysis of the outstanding groups in the prison population:

1. *Accidental offenders*, not pathological.
2. *Normal young adults*, capable of learning useful trades, in whose criminal career economic dependence has played an important role. Can be taught and materially improved for the battle with life on the outside.
3. *Normal prisoners of more advanced age*. Not likely to acquire a trade through instruction in prison. The prime consideration in the case of these men is the extent to which they may be made useful to the State during their incarceration.

The above groups constitute about forty to forty-five per cent. of the prison population, and are mainly first offenders. With these groups the State should do all it can to prevent relapse into crime. In short, about half the prison population will react relatively normally to normal methods. Here, incidentally, is the part of the population with whom the honor system and self-government will be most successful.

Three other groups were singled out by Dr. Glueck. These are the problem cases of the institution—the challenge to modern penology to solve:

4. *The insane delinquent*. Require transfer to a hospital for the criminal insane, or careful supervision in the prison.
5. *The feeble-minded delinquent*. Various stages of arrested mental development. A considerable number require permanent segregation in an institution for defective delinquents, where they might be self-supporting. The percentage of recidivists (repeaters in prison) is relatively large among the feeble-minded.
6. *The psychopathic delinquent*. This is a class less understood by the layman. Such inmates have a mentality which, while not placing them within the well-recognized categories of mental disease, brings them decidedly outside the pale of normal human beings. They con-

tribute largely to the ranks of the recidivists. In many respects they constitute a greater menace than either the insane or defective delinquent.

Here is, then, speaking in general terms, the problem of the prison today: a population half of which is relatively normal, mentally, and half of which is mentally abnormal, with all degrees of deviation. The psychiatrists are already telling us that we have in the prison populations a highly complicated set of mental problems, and that we are basically wrong in assuming the general presence of full responsibility.

Percentages, in this early stage of the newest penology, are dangerous. If the psychologists and psychiatrists are right, our prisons face the difficult processes of a new development, namely, the adequate analysis and the adequate individual treatment of the delinquent. No wholesale training plan, with shops and the like, will suffice. No wholesale turning loose of prisoners into a yard, and wholesale expectation that they will find their own democratic solutions of social relationships and of obligations to each other and to the prison, will suffice. No general belief in the religious conversion of a prison population to a better life on earth will suffice. "Man, know thyself!" is the echo ringing in the ears of those to whom the psychologists and the psychiatrists have spoken among prison administrators.

It is to be seriously doubted if this new addition to the penological forces of reform will bring any panacea. That the individual prisoner will be much better understood in the future than in the past is unquestionable. But social and economic conditions outside the prison will lead many inmates back in time to the institutions.

But there lies the present, and enormously promising, direction of the new penology, before us. Moreover, there is today an alliance of the penologist, the administrator, the educator, and the scientist, all bent on seeking the solutions of prison discipline, such as has never occurred before. This alliance must reach far back of the prison, into the court, the school and the family. The principle of the clearing house must be recognized as a necessity in court procedure. Probation officers make reports today to the judge on social and economic factors in the "cases" before them. But the Court needs, fully as much as the report of the probation officer, the report of the psychiatrist—not in every case before the Court, but in many. And back of the Court is the school,

where the record of the child should be consecutive from the entrance of the youngster into the classroom. Further back, all the time, must our preventive work go.

Our obligation to the individual prisoner increases as we understand what the obligation is. We know, now, that we do not know enough about the prisoner. Knowing that, we shall be derelict if we do not adopt the means to find out, and then act adequately.

Unquestionably we need the psychiatrist. His field is constantly increasing. The Police Department of the City of New York has maintained a psychopathic clinic until recently, with surprisingly good results. Many cities have established similar clinics in connection with their courts, among them Chicago, Cincinnati, Seattle, St. Louis, Boston and Philadelphia.

The criminal court is the great gathering place of those charged with or guilty of crime. Here is the focus for the most humane and sagacious justice, if the Court rises to its duty. From here the human being who needs upbuilding should not, if it is possible to prevent it, be sent to prison. But above all, it should be known what the human being before the bar of justice needs. The psychiatrist, in many instances, can tell us when no one else can.

He can pick out of the stream the mentally defective, the feeble-minded with psychopathic tendencies, the alcoholic without criminal tendencies, the sick, the persons suffering with infectious disease, the drug addict, the constitutional inferior, the "borderland cases", and other mental deviates. The Court has at present no such agency.

There have been penological revolutions in the past. Now comes a peaceful revolution—literally, a turning around to the scientists for light. We are in a period of popular interest in abnormal psychology. Psychoanalysis has gripped the attention of the public. Our dreams are being turned inside out, and symbols, sublimations, repressions and blockings are becoming familiar terms. The eternal search for the springs of human conduct has taken another direction. Its reflection is already found within the most progressive prisons and reformatories.

ORLANDO F. LEWIS.